

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
*Newport News Division***

UNITED STATES OF AMERICA

v.

**FENGYUN SHI
Defendant**

CASE NO. 4:24-mj-3

SENTENCING POSITION OF THE DEFENDANT

COMES NOW, the Defendant FENGYUN SHI by and through the undersigned counsel, files this Position on Sentencing, and respectfully states the follows:

I. This incident is accidental in nature.

1. Defendant was a student in the State of Minnesota.
2. On or about January 6, 2024, Defendant was in Norfolk, Virginia and operating a drone weight less than four hundred grams. According to the FAA registration requirement, Defendant's drone is not required to be registered and the operator of the drone is not required to have a license for operating the drone in a residential area.
3. When Defendant was operating the drone, he also took several pictures of the U.S. Military base without knowing those pictures may contain sensitive information.
4. Because of the bad weather, the drone crashed in the tree. Defendant then tried to contact the fire department and the tree company to retrieve the drone, however, Defendant was unable to retrieve his drone, and Defendant tried to return to China.
5. Defendant's drone was later recovered by a local resident, and the drone along with the video captured by the drone were given to the local authority.

6. This incident is the kind that the Defendant does not aware of the law and Defendant believes that it is cool and interesting to take pictures with different views. But Defendant has no intent to obtain or transfer any sensitive information to any foreign country.

II. Defendant fully cooperated in the investigation.

1. Defendant was arrested at San Francisco Airport, and he had multiple interviews with FBI and U.S. authorities. Defendant provided all the information required during the investigations. Therefore, Defendant has been fully cooperated with all the investigations.
2. Based on the investigation report and FBI report, it appears that no secret or sensitive information being transferred by Defendant's act. Hence, there is no national security interest being compromised for this case.

III. Defendant has no criminal history.

1. Defendant has no criminal history, and it is Defendant's first offense.
2. Defendant felt very remorseful for what he did, and Defendant takes full responsibility for his action.

Conclusion

Due this incident is accidental in nature; Defendant would respectfully ask the court to be lenient when imposing sentence and impose no jail time for the Defendant.

Respectfully Submitted,



Shaoming Cheng, Esq.
VA Bar Number: 80218
Cheng Yun Law PLLC
6088 Franconia Road Suite D
Alexandria, VA 22310
Telephone: (703)887-6786
Fax: (888) 510-6158
Email: jcheng@chengyunlaw.com

Dated: October 1, 2024

CERTIFICATE OF SERVICE

I, Shaoming Cheng, Esq., counsel for the Defendant FENGYUN SHI, hereby certify that on 10/01/2024, a true copy of the foregoing document was emailed to

Peter Osyf, Esq.
Assistant United States Attorney
11815 Fountain Way, Suite 200
Newport News, VA 23606
Email: peter.osyf@usdoj.gov



Shaoming Cheng, Esq.
VA Bar Number: 80218
Cheng Yun Law PLLC
6088 Franconia Road Suite D
Alexandria, VA 22310
Telephone: (703)887-6786
Fax: (888) 510-6158
Email: jcheng@chengyunlaw.com